

REMARKS

This Amendment is submitted in response to the official action mailed February 17, 2009. The claim amendments included herein are merely clarifying amendments and are not meant to change the intended scope of the claims. Thus, the amendments present the rejected claims in better form for consideration on appeal, and they should be entered in due course. Moreover, the amendments are manifest, requiring only a cursory review by the Examiner, thereby providing additional ground for their entry.

Claims 1-29 were pending in the application. In the official action, claims 1-29 were rejected. In this Amendment, claims 1, 10, and 29 have been amended. Claims 1-29 thus remain for consideration.

Applicants submit that claims 1-29 are in condition for allowance and request reconsideration and withdrawal of the rejections in light of the following remarks.

§103 Rejections

Claims 1-3, 5, 10, 12, 14, 16-21, and 23-25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wugofski (US 6,201,538) in view of Lemmons et al. (US 2003/0051243), Pietraszak et al (US 6,990,677) and Boylan, III et al. (US 2002/0166120).

Claims 4, 8, and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wugofski in view of Lemmons, Pietraszak and Boylan as applied to claims 1 and 10, and further in view of Chaney (US 5,841,433).

Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over Wugofski in view of Lemmons, Pietraszak and Boylan as applied to claim 1, and further in view of Arai et al. (US 2004/0221307).

Claims 7, 13, 22, 26, and 27 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wugofski in view of Lemmons, Pietraszak and Boylan as applied to claim 1, and further in view of Hendricks et al. (US 5,990,927).

Claim 9 was rejected under 35 U.S.C. §103(a) as being unpatentable over Wugofski in view of Lemmons, Pietraszak, Boylan and Chaney as applied to claim 8, and further in view of Suzuki (US 5,790,170).

Claim 15 was rejected under 35 U.S.C. §103(a) as being unpatentable over Wugofski in view of Lemmons, Pietraszak and Boylan as applied to claim 14, and further in view of Suzuki and Cuccia (US 6,337,719).

Claim 28 was rejected under 35 U.S.C. §103(a) as being unpatentable over Wugofski in view of Lemmons, Pietraszak and Boylan as applied to claim 17, and further in view of Ellis (US 6,820,278).

Claim 29 was rejected under 35 U.S.C. §103(a) as being unpatentable over Arai in view of Wugofski, Lemmons, Pietraszak and Boylan.

Applicants respectfully submit that the independent claims (claims 1, 10, and 29) are patentable over Wugofski, Lemmons, Pietraszak, Boylan, Chaney, Arai, Hendricks, Suzuki, Cuccia, and Ellis (collectively "the cited references").

Applicants' invention as recited in the independent claims is directed toward the transmission and reception of program guide information and the display of the program guide information and advertisement information. Each of the claims recites that "the advertisement information include[es] a multiple of keys associated with an advertisement, the keys defining at least one receiver state that will trigger display of the advertisement." Each of the claims further recites that "the keys include[e] an indication of the type of condition for displaying the advertisement and an indication of the value of

the condition for displaying the advertisement." (Emphasis supplied.) Supporting disclosure for the emphasized recitation can be found in the specification at, for example, page 59, line 12 - page 60, line 2; and page 63, line 14 - page 66, line 15.

None of the cited references discloses the emphasized recitation. Accordingly, Applicants believe that claims 1, 10 and 29 are patentable over the cited references - taken either individually or in combination - on at least this basis.

Each of dependent claims 2-9 and 11-28 depends on either independent claim 1 or independent claim 10. Since dependent claims inherit the limitations of their respective base claims, Applicants believe that claims 2-9 and 11-28 are patentable over the cited references for at least the same reasons discussed in connection with claims 1 and 10.

Applicants respectfully submit that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited. If any issues remain, or if the Examiner has any further suggestions, he/she is invited to telephone the undersigned at (908) 654-5000.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 12-1095.

The Examiner's consideration of this matter is gratefully acknowledged.

Dated: June 1, 2009

Respectfully submitted,

By   
Bruno Polito

Registration No.: 38,580  
LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK, LLP  
600 South Avenue West  
Westfield, New Jersey 07090  
(908) 654-5000  
Attorney for Applicant